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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,109

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EXAMINER

VU, THANH T

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,109	<b>Applicant(s)</b> RUMANER ET AL.	
	<b>Examiner</b> Thanh T. Vu	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomat et al. ("Tomat" U.S. Pat. No. 6,784,925).

Per claim 1, Tomat teaches a method for a memory device utility program, the method comprising:

detecting a memory device being coupled to a host device (fig. 4, col. 7, line 28-30;

*detecting a camera (memory device) connecting to a device port);*

in response to said detecting, locating files on the memory device (fig. 4, col. 7, lines 30-40; *locating file on camera);*

displaying a file transfer window comprising a file transfer button for initiating a transfer of the files on the memory device to the host device (fig. 5; *get photo button 46*; col. 12, lines 46-54);

in response to a user clicking the transfer button, transferring the files on the memory device to the host device (fig. 5; *get photo button 46*; col. 12, lines 46-54; *files are downloaded and saved).*

Per claim 2, Tomat teaches the method of claim 1, wherein said being coupled is selected from the group consisting of a physical connection and a wireless connection (fig. 12; *port 111*; col. 10, lines 47-53; *selecting a communication port*).

Per claim 3, Tomat teaches the method of claim 1, wherein the file transfer window further comprises a textbox with a destination on the host device where the files are to be stored (figs. 13, 14; *file destination 119*; *set directory 121*).

Per claim 4, Tomat teaches the method of claim 3, wherein the file transfer window further comprises a deletion checkbox for deleting the files on the memory device after said transferring, the method further comprising: in response to a user checking the deletion checkbox, deleting the files on the memory device after said transferring (fig. 13; *delete file 135*).

Per claim 5, Tomat teaches the method of claim 1, further comprising, after said locating files and prior to said displaying a file transfer page: in response to locating the files, displaying a start window comprising (1) a photo tool button prompting the user to apply photo tools to photos on the memory device, and (2) another file transfer button prompting the user to transfer the files on the memory device to the host device, wherein the file transfer page is displayed in response to the user clicking said another file transfer button (figs 5 and 13; col. 11, lines 50-67; col. 15, lines 54-61; *renaming of files* ).

Per claim 6, Tomat teaches the method of claim 5, further comprising: in response to the user clicking the photo tool button, displaying a photo tool window comprising (1) a selection button for launching a thumbnail page for selecting the photos on the memory device, and (2) a process button for initiating one or more photo tools (fig. 61; col. 14, lines 30-36 and lines 54-65; *view button for launching a thumbnail page*).

Per claim 7, Tomat teaches the method of claim 6, wherein the photo tool window further comprises (3) a file transfer checkbox and (4) a setup button for launching a setup window, wherein the method further comprises: transferring selected photos on the memory device to the host device after the user checks the file transfer checkbox and clicks the process button (fig. 13; *checkbox 128, 132, 133*).

Per claim 8, Tomat teaches the method of claim 7, wherein the setup window comprises (1) a destination textbox with a destination on the host device where the selected photos are stored, (2) a deletion checkbox for deleting the selected photos on the memory device after said transferring, (3) a rename checkbox for renaming the selected photos with file names having a common prefix and incrementing suffixes, and (4) a prefix textbox with the common prefix (fig. 13; *file destination 119; delete files 135; rename photos 128; col. 12, lines 1-5*).

Per claim 9, Tomat teaches the method of claim 8, wherein setup window further comprises (5) a conversion checkbox for enabling a conversion of the selected photos to a selected format after said transferring, (6) a drop-down list box for selecting the format, and (7) a suffix textbox with a starting suffix number (fig. 13; *list 134 for selecting save format; col. 12, lines 6-12; start naming number 130*).

Per claim 10, Tomat teaches the method of claim 6, wherein the photo tool window further comprises (3) a print file checkbox and (4) a setup button for launching a setup window, wherein the method further comprises: printing selected photos after the user checks the print file checkbox and clicks the process button (figs. 19, 35; *print check box 169, 176, 177, 180-183*).

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Per claim 12, Tomat teaches the method of claim 6, wherein the photo tool window further comprises (3) an index page checkbox and (4) a setup button for launching a setup window, wherein the method further comprises: printing an index page of selected photos after the user checks the index page checkbox and clicks the process button (fig. 19; col. 13, lines 15-20).

Per claim 13, Tomat teaches the method of claim 12, wherein the setup window comprises (1) radio buttons for selecting a layout of the selected photos on each printed index page, (2) a date checkbox for including dates of the selected photos on each printed index page, and (3) a name checkbox for including names of the selected photos on each printed index page (figs. 19 and 35; col. 13, lines 40-42; col. 19, lines 52-56).

Per claim 14, Tomat teaches the method of claim 6, wherein the photo tool window further comprises (3) an email checkbox and (4) a setup button for launching a setup window, wherein the method further comprises: emailing selected photos to a recipient after the user checks the email checkbox and clicks the process button (fig. 49; *sent to option give the user the option to send selected photo to a recipient*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat and Safai (U.S. Pat. No. 6,715,003).

Per claim 11, Tomat teaches the method of claim 10, wherein the setup window comprises (1) a first drop-down list for selecting a printer, (4) a spin box for setting the number of print copies, (5) a checkbox for including dates on the selected photos, and (6) radio buttons for setting paper orientation (col. 19, lines 45-58; *printer 297, number of copies 299, date 304*). Tomat does not specifically teach (2) a second drop-down list box for selecting a print size, (3) a third drop-down list for selecting a paper size, and (6) radio buttons for setting paper orientation. However, Safai teaches a second drop-down list box for selecting a print size, (3) a third drop-down list for selecting a paper size, and (6) radio buttons for setting paper orientation (fig. 10; col. 8, lines 27; col. 21, lines 14-16; *print size; paper size, and paper orientation*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the print selection options as taught by Safai in the invention of Tomat in order to provide the users with various options for photo printing.

Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat and Yamasaki et al. ("Yamasaki", Pub. No. 2003/0011683).

Per claim 15, Tomat teaches the method of claim 14, wherein the setup window comprises (1) a recipient textbox for receiving an email address of the recipient, (2) a subject textbox, (3) a message textbox (fig. 25; col. 17, lines 10-20; *Microsoft outlook allows a user to enter email address, subject, and message*) (4) a copyright textbox to include a copyright warning on the selected photos. Tomat does not specifically teach a copyright textbox to include a copyright warning on the selected photos. However, Yamasaki teaches a copyright textbox to include a copyright warning on the selected photos ([0068]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the copyright information as taught by Yamasaki in the invention of Tomat in order to protect the copyright of the image data.

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat and Yamasaki et al. ("Yamasaki", Pub. No. 2003/0011683), and Safai (U.S. Pat. No. 6,715,003)

Per claim 16, the modified Tomat teaches the method of claim 15, but does not teach wherein the setup window further comprises (5) radio buttons for selecting the size of the selected photos to be emailed to the recipient. However, Safai teaches wherein the setup window further comprises (5) radio buttons for selecting the size of the selected photos to be emailed to the recipient (col. 27, lines 44-50; *selecting sizes of print*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the print



selection options as taught by Safai in the invention of the modified Tomat in order to provide a more automatic way to deliver photograph prints to recipients.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat and Safai (U.S. Pat. No. 6,715,003).

Per claim 17, Tomat teaches the method of claim 6, but does not teach wherein the photo tool window further comprises (3) an order checkbox and (4) a setup button for launching a setup page wherein the method further comprises: ordering prints of selected photos from a website after the user checks the order checkbox and clicks the process button. However, Safai teaches an order checkbox and (4) a setup button for launching a setup page wherein the method further comprises: ordering prints of selected photos from a website after the user checks the order checkbox and clicks the process button (col. 16, lines 30-37 and col. 20, lines 51-60; *photo service provider*) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the photo service options as taught by Safai in the invention of Tomat in order to provide a more automatic way to deliver photograph prints to recipients.

Per claim 18, Tomat teaches the method of claim 17, wherein the setup window comprises (1) a drop-down list box of websites, (2) a login ID textbox, (3) a login password textbox, and (4) a signup button for signing up with a new website (fig. 16; list 150; col. 14, lines 1-17).

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat and Nayeri (U.S. Pat. No. 6,957,398).

Per claims 19 and 20, Tomat teaches the method of claim 6 but does not teach wherein the photo tool window further comprises (3) a screensaver checkbox and (4) a setup button for launching a setup page, wherein the method further comprises: including selected photos in a screensaver on the host device after the user checks the screensaver checkbox and clicks the process button, and wherein the setup window comprises (1) a first radio button for creating a new slideshow with the selected photos, (2) a second radio button for inserting the selected photos into an existing slideshow, (3) a first checkbox for enabling a transition effect, (4) a drop-down list box for selecting the transition effect, and (5) a second checkbox for displaying names of the selected photos in the slideshow. However, Nayeri teaches wherein the photo tool window further comprises (3) a screensaver checkbox and (4) a setup button for launching a setup page, wherein the method further comprises: including selected photos in a screensaver on the host device after the user checks the screensaver checkbox and clicks the process button (col. 2, lines 28-45; col. 2, lines 10-20), and wherein the setup window comprises (1) a first radio button for creating a new slideshow with the selected photos, (2) a second radio button for inserting the selected photos into an existing slideshow, (3) a first checkbox for enabling a transition effect, (4) a drop-down list box for selecting the transition effect, and (5) a second checkbox for displaying names of the selected photos in the slideshow (col. 3, lines 10-20; col. 11, lines 37-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Nayeri in the invention of Tomat in order to provide a user with a personalized screensaver program that displays content selected by a user.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamaguchi (U.S. Pat. No. 2003/1079531) discloses an application sever communications adapter and control method.

Ido (U.S. Pat. No. 2002/0198023) discloses a communication device selects images data to be transmitted to a public network from image data stored in an imaging device.

Nayeri (U.S. Pat. No. 6,957,398) discloses audiovisual images from independent providers on the internet are exhibited as part of an updating, shared, collaboratively-produce multimedia exhibition system.

### *Inquiries*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

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a USPTO Customer Service Representative or access to the automated information system, call  
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Thanh T. Vu', with a large, stylized loop at the end.

Thanh T. Vu  
Patent Examiner  
AU 2174, TC 2100